

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

January 26 1996

MEMORANDUM

SUBJECT: Land Disposal Restriction's; Phase IV Supplemental
Proposal on Mineral Processing Wastes

FROM: Michael Shapiro, Director
Office of Solid

TO: Waste Management Division Directors
Regions I-X

On December 15 1995, the Administrator signed a proposal to clarify the definition of waste as it applies to mineral processing materials under the Resource Conservation and Recovery Act (RCRA). The intended effects of this proposal are to encourage recycling of mineral processing materials by lifting regulatory obstacles, and to ensure that discarded materials are properly treated and disposed of.

This proposal specifically clarifies the regulatory distinction between in-process materials and wastes. To be exempt from the definition of waste, the materials must be managed to meet conditions such as being legitimately recycled, stored only for short periods, and not causing contamination. Mineral processing materials would also be exempt from federal waste regulations if they are returned to beneficiation units and meet certain conditions. If the materials do not meet conditions exempting them from being wastes, and they test hazardous, they must, be treated to meet land disposal restrictions, which are newly proposed in this rule.

The proposal also addresses a set of court remands concerning mineral processing wastes. This includes retaining the Toxicity Characteristic Leaching Procedure, and proposing classifications of several wastes including five smelting wastes which were previously lifted, iron chloride waste acid, and wastes from lightweight aggregate production.

Furthermore, the proposal significantly reduces the paperwork requirements associated with the Land Disposal Restrictions rules that apply to hazardous waste generally. Finally, this notice proposes to exclude from RCRA jurisdiction two types of materials: processed scrap metal that is recycled, and shredded circuit boards destined for metal recovery that are managed in containers prior to recovery.

A prepublication of the *Federal Register* notice has been, posted in the common Postman

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directory in each region under "LDRSUP.MP". We are also attaching an environmental fact sheet for your information and use. These documents will also be available on the Internet System (see fact sheet for complete details). If you need more specific technical information, please contact Sue Slotnick at (703) 308-8462. The general public can request copies from, the RCRA Hotline at (800) 424-9346.